

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:11cv295

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	CONSENT AND
)	DEFAULT JUDGMENT
)	OF FORFEITURE
\$179,375.46 in UNITED STATES)	
CURRENCY,)	
)	
Defendant.)	
<hr/>)	

THIS MATTER is before the Court on the Plaintiff's Motion for Entry of Judgment and Final Order of Forfeiture [Doc. 8].

PROCEDURAL AND FACTUAL HISTORY

The Plaintiff initiated this action for civil in rem forfeiture on November 8, 2011. [Doc. 1]. In the Verified Complaint, it is alleged that on June 16, 2011, agents of the United States Secret Service and Internal Revenue Service executed a lawful seizure warrant issued by a United States Magistrate Judge at the offices of Branch Banking and Trust in Winston-Salem, North Carolina. [Id.]. Three seizures occurred: (1) the sum of \$63,533.44 from a bank account in the name of 786 Enterprises LLC for which

the signatories were Shakil Ahmad and Fayyaz Shah; (2) the sum of \$71,558.28 from a bank account in the name of SH&H for which the signatories were Shakil Ahmad and Sameera Ahmad; and (3) \$44,283.74 from a bank account in the name of SH&H Enterprises, d/b/a Stuckey's Dairy Queen for which the signatory was Shakil Ahmad. [Id.]. During the one year period from March 22, 2010 through March 22, 2011, officers and employees of these three entities made 53 deposits into these accounts each of which was more than \$9,900.00 but less than \$10,000.00. [Id.]. It is alleged in the Complaint that these transactions were so structured in order to avoid reporting requirements and are therefore subject to forfeiture. 31 U.S.C. §§5313, 5317 & 5324.

Attached to the Complaint is the Affidavit, Waiver of Claim and Notice, and Consent to Forfeiture of Personal Property by Represented Person. [Doc. 1-1]. The Affidavit is signed by Shakil Ahmad as the responsible officer for each business.¹ [Id.]. Ahmad attests therein that he and each of the three businesses are the sole owners of the currency.² [Id.]. He further states that he, on behalf of himself as well as each of the three businesses, has agreed

¹The Court notes that no proof thereof is attached.

²The Court notes again that no proof beyond this affidavit is offered in support of this claim.

to forfeit to the United States the sum of \$71,750.18 from the combined total sum of \$179,375.46. [Id.]. The other two individuals who are signatories on the accounts at issue, Sameera Ahmad and Fayyaz Shah, have signed the document stating that each consents to the forfeiture of \$71,750.18. [Id.].

Notice of Civil Forfeiture was posted on an official government internet site (www.forfeiture.gov) for 30 consecutive days beginning November 10, 2011. [Doc. 5-1]. No Answer or Claim was filed. On January 17, 2012, the Clerk of Court entered default against all persons and entities with the exception of Shakil Ahmad, Sameera Ahmad, Fayyaz Shah, 786 Enterprises LLC, SH&H and SH&H d/b/a Stuckey's Dairy Queen. [Doc. 7].

DISCUSSION

The Court finds that the only known potential claimants have each filed a waiver of claim and notice and consent to the forfeiture of the sum of \$71,750.18. In addition, the Government published the notice of the forfeiture action on an official internet government forfeiture site for at least 30 consecutive days and no claimants came forward. Rule G(4)(a)(iv)(C), Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

The Court finds that the allegations of the Complaint and the

supplemental filings establish that the currency at issue was involved in violations of the monetary structuring of transactions statutes. 31 U.S.C. §§5313 & 5324. Based upon the consent of the claimants, the property is determined to be subject to forfeiture. 31 U.S.C. §5317. The Plaintiff has also established that no other potential claimant has timely filed a claim or otherwise answered and that default judgment of the sum of \$71,750.18 is appropriate.

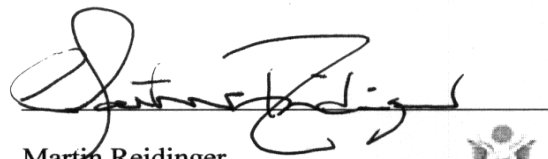
JUDGMENT

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff's Motion for Entry of Judgment and Final Order of Forfeiture [Doc. 8] is hereby **GRANTED**.

IT IS FURTHER ORDERED that Default Judgment against the Defendant United States Currency in the amount of \$71,750.18 is hereby **ENTERED** in favor of the United States of America.

IT IS FURTHER ORDERED that the sum of \$107,625.28 shall be returned to Shakil Ahmad.

Signed: February 17, 2012


Martin Reidinger
United States District Judge

